

lions of viewers of football games played throughout the entire country.

Last year, during my conversations with Pete Rozelle, who happens to be commissioner of the National Football League, he agreed that he would open up the screen to the Super Bowl football game that was played in Los Angeles. I believe that was a step in the proper direction.

I have had a number of conversations with Mr. Rozelle. I find him to be a fine gentleman, one who understands, of course, what the public interest is, and one who, of course, also understands what his private interest is as head of the National Football League. I can see his point. I tried hard to have Mr. Rozelle, in speaking to the various owners of the teams, to arrive at a voluntary program so that we would not have to get ourselves into compulsory legislation.

Well, we went back and forth, and we really never got anywhere. I can understand that, because willingly and on their own initiative, he did not think they would undertake any concession.

The question arises, why do we do this? This is nothing that started with me. I have received hundreds and hundreds of letters from people who are very much interested in this question. Take right here in the District of Columbia. These tickets are sold long before the season even begins. While they had a little more than 53,000 seats in Kennedy Stadium, the fact is that tickets for these seats could be had by only 3,000 people. That is understandable in this city where we have so many groups.

The result is that the taxpayers who built that stadium and made that stadium possible, when they want to buy tickets and are willing to pay the money to buy the tickets and call the ticket office and the people there will nod their heads, because there are no tickets to be had.

What we are saying is, we do not want to disturb you in any way if you do not want the stadium, but if you have sold out at least 48 hours before game time, why should you not open up the screen?

We have the situation in Washington, and even in my own State, where people will travel 75, 80, and 100 miles and rent a hotel room or motel room just to see a game. Why is that so?

This is what we did: When we gave them an exemption under the antitrust laws whereby they could deal as a package, as a joint venture, the good teams and the bad teams, the revenue for each team went from \$332,000 to \$1½ million. That is what the boon was when the Congress of the United States gave them an exemption. All we are saying is, "We gave you gentlemen a whole loaf. Now we want a slice back." That is all we want in order to accommodate ardent fans who love the teams, who want to go and watch the teams, who have the money to buy tickets, but who cannot buy tickets because they are not available. We are saying in that case, and that case only, "You ought to open up the screen."

I say this is a fair bill. I do not know what the attitude of the House is going to be. I hope the House would agree with us.

I repeat that this is a self-terminating law. I said to Mr. Rozelle,

We are not here to punish you or your teams. We love you and your teams, but we think what you are doing with respect to the blackout is absolutely inimical to the public interest.

I said to him,

You say this will hurt you. Well, let us give it a trial. The law will be self-expiring. If it is true that you are right and we are wrong, we can protect you. On the other hand, if we find we are right and you are wrong, we can make the legislation permanent.

That is all I have to say.

I ask unanimous consent that an editorial which appeared in the New York Times today, September 6, entitled "Blacked-Out Football," be placed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### BLACKED-OUT FOOTBALL

To hear Commissioner Pete Rozelle of the National Football League tell it, free enterprise will be permanently kicked back of its goal line if Congress passes a bill lifting the local television blackout on sold-out home games by professional football teams.

That would be a stronger argument if the provision giving the teams the right to impose local blackouts had not been specifically written into a 1961 law permitting the N.F.L. to sell the television rights to all league games on a pooled basis. Both parts of the authorization—the package sale of TV rights and the restriction on telecasts within a 75-mile radius of a club's stadium—represent exemptions from the Federal antitrust laws.

We never have seen much justification for such exemptions to sports that operate as businesses, and we see no validity at all to the argument that Congress doesn't have at least as much right to take them away as it did to grant them in the first place.

True, the clubs insist that they owe nothing to Congress for the authority to ban local telecasts because a Federal district judge had ruled in 1953 that such a limitation was reasonable in contracts the clubs negotiated individually with the networks. What they leave out, however, is that when they started negotiating on a pooled basis in 1961 they went back to the same judge for an opinion on whether the local ban would still be legal. His negative view made them decide to press for a specific green light from Congress. The revenue each club receives from television under the pooling arrangement has gone up more than four-fold since the 1961 go-ahead. This pot of gold would be much smaller if the same anti-monopoly rules applied here that other enterprises have to live with.

Mr. Rozelle and the club owners certainly have every right to raise the hobgoblin that local telecasts will eventually cut so deeply into stadium attendance that football will become a studio sport, with everyone watching at home and no one in the stands. But the bill sponsored by Senator Pastore of Rhode Island, on which the Senate is expected to vote this week, provides microscopic foundation for such fears.

Under the Pastore proposal, all tickets must be sold 48 hours in advance of the game or the blackout will hold. For the N.F.L. season just opening, the indications are that average attendance for all regular games will exceed 90 per cent. In any event, the law will run for only one year so that an evaluation of its effects can be made before Congress reaches a permanent decision.

Without suggesting that this is an essential

industry, in which there is an overriding public necessity for mandating access, it does seem to us that letting local fans view games at home when there is no room for them in the stadium is a reasonable *quid pro quo* for the antitrust exemption this branch of big business has been given.

Mr. PASTORE. Mr. President, I yield now to the Senator from Kentucky (Mr. COOK).

Mr. COOK. Mr. President, it is a pleasure to speak today in support of S. 1841, a bill to prohibit the blackout of a football, basketball, baseball, or hockey game if such event is sold out 48 hours prior to the scheduled start of the game. This bill was introduced by the distinguished Senator from Rhode Island, and is cosponsored by Senator BEALL, Senator CANNON, and myself.

I am well aware of the inequities which the blackout policy creates for sports fans throughout the country. We can witness a prime example here in Washington, where every ticket to the Redskins home games is sold months prior to the opening game. Yet most Redskin fans—or at least those who cannot pull in Baltimore stations—are forced to drive a substantial distance to be able to watch the televised action.

The inequity is at its worst when stadiums are built with tax dollars supplied by those who cannot buy a ticket. Last year I received a letter from a disgruntled Cincinnati Bengals fan who lives across the Ohio River in Newport, Ky. I quote from his letter:

I am employed in Cincinnati and I pay a city payroll tax which actually makes me a Cincinnati taxpayer, so I along with thousands of others help pay off the deficit of the stadium. This is the Bengals fifth season and I and my family, we all dearly love the Bengals, have never been able to see even one game together, due to the fact that we cannot get tickets. We are actually helping to pay for a stadium to entertain the same privileged 56,000 every game, every year . . . I say the ticket plans should be changed or all home games televised.

This fan is not atypical. He is only one of millions of fans who is denied the opportunity of seeing their favorite teams and players in action. They contribute their tax dollars and their emotions, but get little in return. This situation must be corrected.

I might say, too, that we run into a situation as now applies in Kansas City, where they have a tremendous sports complex, the total cost of which will be in excess of \$100 million, which is to be paid for by a bond issue payable by the people of that community. Yet many people from that community wrote to our committee and said there was no way in the world for them to get tickets. They were told they had to wait in line, and it might be 2 years, 5 years, or 10 years before they could get tickets. Yet the people of that community built that stadium. Their tax dollars will be used to pay off that debt.

Figures supplied by a House subcommittee indicate that during the 1972 season, 124 of 182 national football league games were sold out. Most of these games, quite naturally, are played in the largest metropolitan areas in the country. Thirteen of the 26 teams sold

out every home game during the 1972 season. The fans in those cities never had an opportunity to see their teams, even though in some cases their tax dollars had built or were subsidizing the stadiums.

League officials and team owners have claimed that the impact of S. 1841 on the future of football and other professional sports would be disastrous. Although I do not accept that contention, I believe that even if there is some financial harm to the various franchises, the 1-year duration of the legislation affords ample protection to the long range interests of sport, if our action today proves ineffective.

Whatever the outcome, I firmly believe that this body owes the American sports fan an opportunity to have the entire world of sports opened to him. This is not possible as long as the practice of blacking out home games continues. It is now time to experiment with what I consider to be a fair and rational program, that meets squarely with the public interest.

Mr. President, I might say to the chairman—and I hope that the distinguished Senator from Maryland (Mr. BEALL) will get into this discussion—that I believe we have to make it clear, whether we do it by 48 hours or 72 hours—and I will agree to either one—we must have the record show that the front office franchise cannot hold back 5 or 10 tickets and then say that they have not been sold and show that they still have these tickets.

Mr. PASTORE. Mr. President, if the Senator would yield, that is the one thing that we are going to guard against.

If we get any member of the public who says that he tried to get tickets and that they would not sell them to him and if we discover that there were tickets that they did not sell so that the local television screen would not be opened up, the law might become permanent sooner than they expect. However, I do not expect that they would place themselves in such a position.

Mr. COOK. Mr. President, I would hope not. I would admonish them that if they are not sold out 72 hours in advance, they will not be able to sell the television rights to that game and the television rights are worth quite a few dollars to them.

I think it is important to get this into the RECORD. We ran into this situation with some franchises where, in order to get the tickets for the regular season games, individuals had to buy the tickets for all of the preseason games whether anybody of any value was playing in them or not. Therefore, we give them the resources from a 50,000- or 60,000-seat stadium for 6 or 7 preseason games in which they play very few players of any renown. Yet the franchise holder sold all of these tickets by April or May of the preceding part of the year and had all of these funds in the bank for their benefit for some 5 or 6 months before they even had their first effort on the field.

I would suggest to the chairman that I think he has taken a wise course in this bill. I think it is tremendously wise to do it on a 1-year basis. I would hope that

the House and Representative MACDONALD would agree to the 1-year basis. I hope that the Senate will seriously consider and overwhelmingly pass the bill in its present form and that the House will take this into consideration in its deliberations.

I would also say to my distinguished chairman of the subcommittee that I would also hope that we might be able to get this bill passed by the House and Senate before the formal season opens, within the next few weeks.

Mr. BEALL. Mr. President, speaking as a cosponsor of the bill now being managed by the distinguished Senator from Rhode Island and as a Senator who represents two professional football constituencies—the Washington Redskins and the Baltimore Colts, both of which teams have been or are about to be of championship caliber—I rise in support of S. 1841.

Television and pro football have teamed up to provide the American people with a form of entertainment that, for many, is almost a way of life between August and January. It begins with the exhibition season and college all-star game, and does not end until the postseason bonanza of playoffs, all-pro games and the super bowl.

At one time or another during all this, the public gets to watch pro football on TV Friday night, Saturday night, Sunday—when there may be a total of four games if both networks schedule a doubleheader—and again on Monday night.

Under these circumstances it sounds incongruous to suggest that the American people are being deprived of any opportunity to follow pro football on television, and in the general sense, of course, they are not. But for half of the season, the vast majority of hometown fans cannot watch their team play either at the stadium or on their own home television.

The reason, as we all know, is the National Football League rule that home games cannot be televised in the local viewing area. We all know why. The NFL owners feel that televised home games would hurt them at the gate.

I have yet to hear any facts that substantiate this claim. Yet it is because of this unsubstantiated notion that millions of pro football fans around the United States are blacked out each week when their home team plays a game that only 50,000 or 60,000 hometown fans can watch. Here in Washington, for instance, every seat in Kennedy Stadium is sold before the season even begins. In Baltimore, all but a few thousand seats are held by season-ticket purchasers, and it is a good assumption that Memorial Stadium would be sold out for the season, too, if the Colts decided to put all seats up for sale on a season-ticket basis. In fact, season tickets have become such a prized possession that some people reportedly have passed them on to other members of their family in a will.

As a result the hometown fan, who may not have the money for season tickets or the good fortune to get a single-game ticket, either listens to his favorite team on the radio or watches some other televised game.

If a home game is sold out, there is no good reason that it should not be televised in that area. After all, when the NFL considers new locations for a franchise, is not the enthusiasm for a team supposed to be one of the highest priorities? It seems to me that the best way to build enthusiasm would be to let the hometown fans watch their team on television if there is no other way to see the game.

I am aware of the private capital necessary to field a pro football team, but there is also a tremendous investment of public funds that is conveniently overlooked.

Mr. PASTORE. Mr. President, will the Senator yield for a moment so that I may get the yeas and nays?

Mr. BEALL. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, for instance, let us take a look at where the teams play. Nearly all of them are playing in municipally owned stadiums, some of which were built solely for the purpose of obtaining or retaining a pro football team. Consider the kind of investment an owner would have to make if he had to build and maintain his own stadium, pay the taxes on the stadium and its parking lots, and pay for the access roads, water and sewer lines, electricity and lighting, stadium attendants, traffic, and security units, et cetera.

Now look at who is paying for those stadium facilities. It is the local taxpayer, who also happens to be the same local fan who never gets to see his team play in the stadium he helped to pay for because he cannot beg or buy a ticket. And just because of an NFL rule, he cannot see the game on television, either.

Well, the owner may be entitled to a sellout to meet his expenses, but the fan should also be entitled to watch his team play on television if the game is sold out. If there ever was a compromise that was fair to everyone, it would have to be this bill to end the systematic discrimination against the pro football fan who cannot get tickets to see his team play.

By setting the deadline for a sellout 48 hours in advance of gametime, it gives ample opportunity for hometown fans to purchase tickets, if by some remote chance any are available. The owner cannot get anything more out of a home game than a sellout, so he has nothing to lose except the enthusiasm of the local fans by insisting on TV blackouts.

The people were once the sole source of support for professional football teams, but the incredible financial success the sport has attained through television seems to have made many lose sight of this fact. The local fans have a legitimate complaint that the owners have ignored for too long.

Professional football enjoys a special monopoly status because of legislation passed by Congress, and I believe the time has now come to pass this piece of legislation to make the management of these teams more responsive to the community. The bill will protect the finan-

cial interests of the owners while also ending the unjustified discrimination against local fans.

Mr. President, just to amplify a bit further on some points that have been made: From sitting through the hearings on this legislation, I have been impressed by a willingness on our part—our part being the part of the legislative branch of the Government—to go along with the owners of the professional football teams and to understand that they do have a tremendous burden to carry in hoping to sell out their games and pay the bills that accrue to them as they run the mammoth business investments of these professional football teams.

But I have not detected any willingness on the part of those people to experiment, to give the fans a chance in all this. All we are asking is that the leagues give a little bit, and be willing to experiment. They make a lot of money from the use of the public airwaves, and it only seems to me that there is an obligation on their part to return to the public something of what the public has already given to them, or at least give them a piece of the action, by allowing some of the fans a chance to see the game.

The Senator from Kentucky has pointed out that when Washington plays at home, unless you can get into the stadium you can only watch the game if you are lucky enough to be able to pick up a Baltimore station. I am sorry to report to the Senator from Kentucky that that was the case a couple of years ago, but he will not see Washington this year on any Baltimore station, because the NFL has blacked out Channel 2 in Baltimore, and told them they will not be able to carry the Washington games which they used to be able to carry. So, instead of being willing to experiment, the NFL is moving in the other direction, and you cannot even do this year what you did last year and the year before.

So there seems to be an even greater obligation for us to do something so that the fans can see these home games on television, at least on an experimental basis.

Mr. COOK. Will the Senator yield further?

Mr. BEALL. I yield.

Mr. COOK. I might say, while the Senator is talking about not being able to see a home game even on a Baltimore station because they have blacked out the games going into Baltimore, that I do not believe there has ever been a Monday night football game broadcast in Metropolitan New York City, because they are concerned about the blackouts they would have to make of all the teams in and around that metropolitan area; so that although most of the rest of the Nation sees Monday night football, it is my understanding that Metropolitan New York has never had that opportunity, and I would like for the staff to check it out.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I yield the floor.

Mr. PASTORE. Mr. President, I ask unanimous consent that the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. COOK. I would like to correct the remarks I just made relative to Metropolitan New York. They have never originated a game in Metropolitan New York on a Monday night, because they were afraid they would have to black it out and that the problems that would cause would be insurmountable to the National Football League, and therefore they have never had an originated game from New York City during the course of Monday night football.

Mr. PASTORE. I suppose that is the reason for the editorial in the New York Times.

Mr. COOK. Probably so.

Mr. PASTORE. I yield to the Senator from Kansas.

#### ENDING THE FOOTBALL BLACKOUTS

Mr. DOLE. Mr. President, professional sports are one of the most popular sources of entertainment in America today. Baseball, basketball, hockey, and football consume the attention, loyalty, and interest of millions of people each year. Judging from the publicity accorded to the annual World Series, the Super Bowl, the Stanley Cup, and the NBA playoffs, a visitor from another planet might assume that the Nation's entire life was somehow connected to the ebb and flow of the various sports seasons.

Of course, sports are much less important to the basic well-being of the United States than the health of the economy, our strength as a world power or the supplies and prices of the foods on our dinner tables. But in an area of greatly expanded leisure time and rising prosperity sports have assumed an unprecedented position of prominence in our society.

#### PRO SPORTS ARE BIG BUSINESS

In the process of reaching this position professional sports have become big business. Owners spend millions of dollars to establish, equip, train, and publicize their teams. And they do so in the expectation of reaping a sizable return on their investments. In addition, the home city and county jurisdictions of these teams have committed hundreds of millions of dollars to the construction of some of the most modern, imaginative, and comfortable stadium complexes anywhere in the world. And biggest of all, radio and television have combined with the owners of these teams to create a broadcasting-advertising system which generates still more millions of dollars of revenue for all the parties concerned.

#### FEDERAL INVOLVEMENT

It is at this point that the Federal Government has become involved—through the impact of the antitrust laws—in what would otherwise be a matter of no real concern to it.

The background of this involvement was stated quite clearly by the Commerce Committee in its report on the bill being considered today:

When nationwide television became a reality, the fear was expressed that if the home games of professional teams were televised live attendance would suffer to the point where individual teams would be irreparably

harmed financially. This, of course, would have affected the fan's interest as well. If his team were financially weak it would be unable to compete on the playing field.

As a consequence, professional football teams and many of the teams in other professional sports refrained from granting the right to telecast their home games locally.

In *United States v. National Football League*, 116 F. Supp. 319 (E.D. Pa. 1953), the Court concluded that the league restriction on televising of "outside" games into the home territory of another member team when that team was playing at home was reasonable, and not, therefore, in violation of the Sherman Act.

Subsequently, *United States v. National Football League*, 196 F. Supp. 445 (E.D. Pa. 1961), the NFL petitioned the Court for a construction of its 1953 decree which would accommodate a contract it had entered into with CBS which gave the network the exclusive right to televise league games for two years, and permitted CBS to decide which games would be televised. Prior to this contract, each NFL club had individually negotiated the sale of its own television rights. The 1961 pooled rights agreement was thus a significant change in the television policy of the league.

The Court felt the contract violated its 1953 judgment, however.

As a consequence, in 1961 Congress granted professional football, baseball, basketball, and hockey sport leagues two exemptions from the sanctions of the antitrust laws (15 U.S.C. Sections 1291-95). One exemption authorized agreements between professional sport leagues and television networks to pool and sell as a package the rights to televise league games. Such an agreement may not restrict telecasts of games in any area, "except within the home territory of a member club of the league on a day when such club is playing a game at home."

This "home territory" exception is the second antitrust exemption. It authorizes the restriction of game telecasts in the area surrounding the site of a game—the blackout. "Home territory", in the case of the NFL, is defined by its by-laws as "the surrounding territory to the extent of 75 miles in every direction from the exterior corporate limits of a [home] city. The NFL has generally applied the seventy-five mile standard in imposing blackouts.

#### SPECIAL PRIVILEGE TO NFL

The blackouts of NFL games have been important and valuable to the building of the league's contests from near sandlot scrimmages followed by only a few local stalwarts into major spectacles staged with all the care and elaboration of an opera or the coronation of a monarch. In the 1960's there was a need to assist professional sports by granting them a special privilege, one not accorded to other enterprises—an exemption from the antitrust laws which enabled them to enter broadcasting contracts which restrict television coverage of a team's home games. There was a need, and this special privilege Congress granted to the NFL in 1961 has had its intended effect.

#### CHANGED CIRCUMSTANCES

But this is 1973. By any measure the NFL is strong, healthy, and financially secure. Last year's network television contracts brought each team \$1.5 million. More than 95 percent of the seats for this year's regular season games are already sold. In every NFL city bumper stickers, pennants, even automobiles painted in the team's colors proclaim the loyalty and support of millions of fans.

## EFFECTS OF BLACKOUTS

But herein lies the difficulty. Whereas any given team's rooters can be numbered in the millions, its stadium seats number only in the tens of thousands—or in some cases near 100,000. The result in city after city is sellout crowds for nearly every regular season game and near capacity crowds even for exhibition contests. The Staggers subcommittee in the House indicated that in 1972, for instance, the Kansas City Chiefs had an attendance total, for the seven-game home season, of 546,124. This works out to a better than 77,800 average attendance for their 78,053-seat stadium. And for every seat which is filled 2, or 10, or 100 other fans cannot buy a ticket, cannot come to the game in person, and—because of the blackouts—cannot see it on television. Of course, they usually have the choice of watching at least two other games on Sundays when their home team is blacked out, or they can drive 75 or 100 miles away, rent a motel, and watch the game from there.

But it is small solace for a rabid Kansas City Chiefs' fan in Manhattan or Leavenworth or Shawnee Mission to have the Redskins and the Cowboys going at each other on his home TV screen when the Chiefs are fighting for the AFC western title in Arrowhead Stadium at that very moment.

I do not believe it takes any great insight to determine that there are more fans than there are seats or to determine that there are a number of fans who have an interest in seeing the blackout lifted. I think the proposed experiment is a good one.

## SELLOUT GAMES

If the game is sold out it is difficult for me to understand what difference it makes to anyone—except the hometown fans—whether there is a local blackout. I have attempted to learn through contacting constituents though the answer was not in too much doubt.

There is some support for continuing the blackouts, and there are some sound reasons for it. Of course, the owners have a perfectly legitimate and proper interest in seeing their investments protected. And I would not for a moment wish to minimize the great contributions these owners have made to their teams' communities. They are good citizens and highly appreciated by the areas in which their teams play.

I am aware of the point urged by the NFL, the stadium authorities and the concessions and parking interests that blackouts would encourage "no shows" of ticketholders, especially in bad weather. But I feel the likelihood of some, uncertain adverse impact from reduced actual attendance is far outweighed by the interests of the millions of loyal and enthusiastic local fans who want to see their teams when they play at home—as well as when they are on the road.

## SUPPORT TO END BLACKOUTS

I followed with interest the hearings on S. 1841, the bill to institute a 1-year trial suspension of the local sports blackouts. Frankly, in the past, I had felt that the blackouts were a proper and reasonable protection for the interests of the various team owners. But after

the testimony of NFL Commissioner Rozelle, various representatives of the varying viewpoints on the issue and the Chief of the Justice Department's Anti-Trust Division, I came to feel that it would be entirely reasonable and fair to try ending the blackouts for a limited, 1-year period and only for those games which are sold out at least a full 48 hours ahead of kickoff time.

## VIEWS OF CONSTITUENTS IN THE BLACKOUT AREA

To test the feelings of the football fans who would benefit from this law, I wrote a number of constituents in the northeast Kansas area which lies within the Kansas City Chiefs' blackout area. I asked their views on this bill and requested any comments they wished to make, and I thought it might be of interest to those Senators who are present to have a very brief reaction from four or five of them.

The result was much stronger than I had expected. Thousands responded from throughout the blackout area. Those favoring the bill ran a good 13 to 1 over those expressing opposition or reservations. And many of the comments brought out points which had not originally occurred to me when first considering the bill.

From McLouth, Kans.—in the area near Kansas City—one man wrote:

I am on disability retirement at age 48, and it doesn't cover the cost of too many sports events. [S. 1841] would help a lot of older retirees.

A Topeka resident said:

Will not be able to see game except by TV. I do not drive a car and am home bound.

From Leavenworth came this comment:

As loyal local fans who follow the Chiefs on radio, TV and can afford an occasional home game, we would appreciate the opportunity to view our team in our home stadium.

A woman in Manhattan said:

Since I'm a shut-in this would be most welcome. I'm a sports fan.

A couple in Olathe pointed out one aspect relating to the fuel shortage situation:

This would save gasoline. Lots from this area drive to Ft. Scott, Pittsburg, Warrensburg, Mo., etc., and rent motel rooms to watch games since it is blacked out here.

An Overland Park man expressed an unexpected view which proved to be quite common:

I own season tickets and probably always will. But those who don't and can't should be allowed to see and support the Chiefs or any home team.

Another Olathe man said:

I hold 2 season tickets, season parking and I take my own coffee. How can the Chiefs lose on people like us if we choose to stay home and watch on TV?

A woman in Leawood and a man in Spring Hill persuasively voiced their reasons for ending the blackouts.

The woman wrote:

I can never go to the games as I am handicapped, but I love the Chiefs and want to see them on TV and not just have to listen on radio to home games.

The man wrote:

I am a disabled veteran of World War II. My television is all the recreation I have.

So, Mr. President, after receiving this response and considering the different sides of the issues, I feel the monetary interests of a few are far outweighed by the general public's interest in having a trial run at ending the blackouts.

## A GOOD EXPERIMENT

After a year's experience with locally televised games the NFL and the parking and concessions interests can show what—if any—adverse effects this experiment has had. Perhaps it will prove to be unacceptably damaging. Perhaps the sell-out rule will require adjustment. There may be entirely unforeseen results. But this is an experiment which is worth trying, and I believe it should be begun at the earliest possible date, so local fans in Kansas City, Washington, Dallas—all the other NFL home areas can see their teams in action at home during the 1973 season.

So, Mr. President, I think that the bill before us, as amended by the Senate, from Washington to require sellout 72 hours in advance of game time, is a step in the right direction. It is an experiment. It is one which I support and one which I think most every Member of the Senate will support.

## AMENDMENT NO. 446

Mr. MAGNUSON. Mr. President, I call up my Amendment No. 446 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 5, strike "forty-eight" and insert in lieu thereof "seventy-two".

Mr. MAGNUSON. Mr. President, my amendment would simply provide that a game would have to be sold out 72 hours in advance before the local television blackout would have to be lifted. The bill, S. 1841, now has a 48-hour requirement.

In other words, my amendment adds 1 day to that requirement. If the game were scheduled to begin at 2 o'clock on a Sunday afternoon, for example, it would have to be sold out by 2 o'clock on the preceding Thursday before the local television blackout would have to be lifted.

The added day's notice, I believe, is in the interest of the fans and the broadcast stations because it will enable them to do their necessary planning.

Many games are sold out weeks and months in advance of their playing dates. In those cases it really makes no difference whether the time period is 48 or 72 hours. The television stations have adequate time in which to rearrange their programming schedules, notify the various sponsors, and arrange for the necessary publicity.

Similarly, those fans who wish to view these games can arrange their personal schedules to coincide with the telecasts.

But there are many other games which are not sold out this far in advance. In many instances, tickets are put on sale the Monday morning preceding a Sunday game.

If the game is going to be a sellout, those tickets are usually gone shortly after being offered to the public.

Where that is the case, of course, neither the television stations nor the fans have a long leadtime in which to make their necessary arrangements.

My amendment is intended to give them at least 24 more hours to plan.

I would point out, Mr. President, that during the lengthy deliberations on this legislation, everyone agreed there was no magic in the 48-hour requirement, and that 72 hours would be just as acceptable.

This being the case, and in view of the obvious benefit to the fans and the television stations I ask the Senate to accept my amendment.

Mr. President, let me add that this amendment merely changes the 48 hours to 72 hours. There are many good reasons for that. It has been discussed here by those discussing the bill itself, and I have discussed it at some length with the Senator from Kentucky (Mr. Cook) and other Senators. The Commerce Committee has also discussed the matter.

I hope that the amendment will be agreed to by the managers of the bill.

Mr. PASTORE. Mr. President, the Senator from Washington is absolutely correct. We have discussed the matter. There is nothing sacrosanct about the 48 hours, any more than the 72 hours. This is another step in the amenability of the committee to be fair. I am perfectly willing to accept the amendment. I know that the Senator from Kentucky (Mr. Cook) feels the same way as I do, and, without further ado, I think we should vote on this amendment now.

Mr. COOK. Absolutely.

Mr. MAGNUSON. Mr. President, I want to add one thing to this debate. I want to express my strong feeling about the 1-year limitation in the bill. I read this morning that the House might be considering permanent legislation. I do not know whether they will or not, but I want the record to show that, so far as I am personally concerned, I do hope they will agree to this 1-year experiment and see how it turns out.

Mr. PASTORE. I merely want to say to the Senator from Washington that the 1-year experimental period was my idea. It met with the approval of the members of the committee. I would hope that the House will do the same thing as we did. There are certain imponderables that must be determined here. We should be fair about it.

I repeat, there is nothing in here to castigate the National Football League.

I also repeat, this means a lot to a great many people. The football people have a private interest in this matter and we have a public interest. Let us see if we can experiment and find out who is right or who is wrong. That is the reason why we are doing it.

The PRESIDING OFFICER. Is all time yielded back on the amendment?

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Washington (Mr. MAGNUSON) No. 446.

The amendment was agreed to.

Mr. PASTORE. Mr. President, the Senator from Maine (Mr. HATHAWAY) wanted to ask me a few questions and I suggest the absence of a quorum until he comes into the Chamber.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. The Senator from Rhode Island yields to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I appreciate very much the Senator from Rhode Island yielding to me. I want to ask a couple of questions in regard to provisions of the bill which I think can be straightened out in colloquy rather than by amendment.

I assume that it is tacitly understood that the team owners are going to act in good faith; that, when they say a game is going to be sold out, they will not be holding back tickets which could be used as a gimmick by their saying, "We still have tickets available within the prescribed time of 72 hours." So there is really no need to say that tickets have to be offered during that period of time. Is that correct?

Mr. PASTORE. That is correct. I repeat: This will be a boon to the teams themselves. Take Washington. If one lives in Washington, and all the tickets have been sold, there can be no blackout; that will open up this area to TV. There is no question about it. It does raise the question that certain radio stations do broadcast. Whether they would want to broadcast when the game can be seen on the screen is unknown. That is why we provided an experimental period of 1 year. I think that question is going to have to be resolved, I would say to my dear friend from Maine that, insofar as a subterfuge is concerned, I doubt very much that that would take place.

Mr. HATHAWAY. I thank the Senator.

Mr. COOK. Mr. President, let me say to the Senator from Maine, so that he can get a good idea of what we have been discussing, that it is very interesting to note that not only has there been no origination of a game from New York City on a Monday night because the entire area would be blacked out, and there would be such a drain to have the area blacked out.

I notice there was one game from Los Angeles—Washington at Los Angeles. It was the first in Los Angeles, and over 80,000 were present. If they were to use that as a subterfuge, there would be a tremendous loss of revenue to them, because this constitutes a new source of revenue.

So far as home games are concerned, I am in favor of the 72 hours, in retrospect, rather than 48, because at least in 72 hours they can make proper negotiations for televising.

Mr. PASTORE. Those agreements are made at the time the original contracts are made. That would be a part of the original agreement.

To answer the question of the Senator from Maine, I do not think it is necessary to have any agreement. If we get testimony within 72 hours—that is, before 72 hours are up—that someone wanted to buy a ticket and could not buy one, I think they are bound to lose. If the team had tickets before the 72 hours, and that information came to us, I think they would be the losers.

Mr. HATHAWAY. The only other question I have refers to home games. I assume that "home games" is used in its broadest aspect. If a game were in Boston, or wherever it might be, and there was really no home team involved, could they blackout the Boston area?

Mr. PASTORE. There is no question they could do that in playoff games, or where two teams come from different parts of the country. One team might be from Boston and the other from Baltimore, or they might play off the game in Philadelphia; or take the championship game—the Super Bowl game.

We have talked to Mr. Rozelle, and he has assured us that so far as championship games are concerned, it is not expected that they will be blacked out. That is something to be watched, but I want to accept their word on this.

I think we should do this in more or less a friendly way, in an amicable way. I would hope the bill would remain exactly as it is, with the understanding, with respect to the issue that has been raised by the distinguished Senator from Maine, that on their word, they would open up to the public the Super Bowl games if they are sold out.

Mr. HATHAWAY. Yes. And if something happens to the contrary, then we can change it next year.

Mr. PASTORE. We can change it at the proper time.

Mr. HATHAWAY. I appreciate the Senator's answering my questions.

Mr. SCOTT of Pennsylvania. Mr. President, the Senate is about to pass S. 1841, a bill relating to the broadcasting of home games of certain professional athletic teams. In short, this measure would prohibit the "blacking out" of any home game when tickets for admission are no longer available for purchase by the general public 48 hours before game time. I agree with National Football League Commissioner Pete Rozelle when he says:

If the public becomes accustomed to receiving without charge the same product which it is being asked to buy, there will inevitably be a steady erosion of ticket-buying interest. Ultimately, ticket-buying habits and actual game attendance will be significantly affected—to the benefit of no one.

S. 1841, fortunately, would be in effect for only 1 year. At the end of this trial period, I am hopeful that the Congress will take a serious look at the impact of this legislation on professional football and will determine that it is not in the best interest of the clubs or of the public.

Mr. President, I am in receipt of two communications, from each of Pennsylvania's professional football teams, in which the club's reasons for opposition to S. 1841 are more fully explained. I ask unanimous consent to have them printed in the Record at this point.

There being no objection, the commu-



nications were ordered to be printed in the RECORD, as follows:

THE PHILADELPHIA EAGLES,  
Philadelphia, Pa., July 27, 1973.

Hon. HUGH SCOTT,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR SCOTT: It is vital to the Philadelphia Eagles and professional football in general, that the bill that would require all major professional team sports to televise home games locally if sold out within 48 hours of their playing—Not be passed!

I will try to be brief in my explanation of their importance:

1. In a cold weather city such as Philadelphia it is conceivable that on bad days we have very few people who attend the games and turn a great sport into a studio show.

2. The concession revenues and the parking revenues play a major factor in the City deriving its income to support Veterans Stadium.

3. It is obvious that 'no shows' will dramatically affect this vitally needed money for the City.

4. At present, NFL cities now average 74 telecasts of our games each season and the addition would cause a serious problem of over-exposure.

5. I personally would rather see no games televised and forgo the revenue, which is considerable, than to see us legislated out of business.

I would personally appreciate hearing from you as to your views and hope that in this brief note I have acquainted you with the pertinent facts.

I am available for personal conversation at your convenience and consider this the most serious problem that has ever confronted professional football.

May I please hear from you.

Sincerely,

LEONARD H. TOSE,  
President.

PITTSBURGH, PA., JULY 31, 1973.

Senator HUGH SCOTT,  
Capitol Hill, D.C.

1972 was truly a magnificent year for the Steelers. As you know there were many bleak periods during our 40-year history. We have finally excited everyone to cheer for the Steelers. All home games will probably sell out.

In distributing our football tickets, every effort was made to exclusively allot them to as many fans as possible.

History shows us at the end of the season, when the weather turns cold, attendance drops drastically. If home games are to be televised locally this situation will repeat because the demand for tickets, which is needed for a seasons sale, will be greatly diminished. This would change the game as we know it. It would change the economic picture of the team, the stadium, and the entire operation. You have heard many of these problems before. For more details, I have sent, under separate cover, the National Football League question and answer pamphlet. If you should like additional information on the Steelers please contact me.

Please consider these facts in making a negative determination of Senate bill 1841.

Sincerely,

DANIEL M. ROONEY,  
Vice President, Pittsburgh Steelers Football Club.

Mr. TAFT. Mr. President, because of financial interests relating both to the broadcasting and professional football businesses owned by members of my family or held for me by trustees, I do not feel that I should properly vote on S. 1841; and for that reason, I will record my vote as "present."

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. COOK. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TAFT (when his name was called). I vote "present."

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. ERVIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. HUGHES), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), the Senator from Colorado (Mr. HASKELL), and the Senator from Louisiana (Mr. LONG), are necessarily absent.

I also announce that the Senator from South Dakota (Mr. ABOUREZK) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Iowa (Mr. HUGHES) would each vote "yea."

Mr. GRIFFIN. I announce that the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Vermont (Mr. STAFFORD) are detained on official business.

I further announce that, if present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "yea."

The result was announced—yeas 76, nays 6, as follows:

[No. 379 Leg.]

YEAS—76

Alken	Fannin	Muskie
Allen	Fulbright	Nelson
Bartlett	Gravel	Nunn
Bayh	Griffin	Packwood
Beall	Gurney	Pastore
Bellmon	Hansen	Pearson
Bentsen	Hart	Pell
Bible	Hartke	Percy
Biden	Hathaway	Proxmire
Brooke	Helms	Randolph
Buckley	Hruska	Ribicoff
Burdick	Humphrey	Roth
Byrd	Inouye	Saxbe
Harry F., Jr.	Jackson	Schweiker
Byrd, Robert C.	Javits	Scott, Pa.
Cannon	Kennedy	Scott, Va.
Chiles	Magnuson	Sparkman
Church	Mansfield	Stevens
Clark	Mathias	Stevenson
Cook	McClellan	Symington
Cotton	McGee	Thurmond
Cranston	McGovern	Tower
Curtis	McIntyre	Weicker
Dole	Metcalf	Williams
Domenici	Mondale	Young
Dominick	Montoya	

NAYS—6

Bennett	Hollings	Stennis
Eastland	McClure	Talmadge

ANSWERED "PRESENT"—1

Taft

NOT VOTING—17

Abourezk	Fong	Johnston
Baker	Goldwater	Long
Brock	Haskell	Moss
Case	Hatfield	Stafford
Eagleton	Huddleston	Tunney
Ervin	Hughes	

So the bill (S. 1841) was passed, as follows:

S. 1841

An act to amend the Communications Act of 1934 for one year with respect to certain agreements relating to the broadcasting of home games of certain professional athletic teams

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Communications Act of 1934 is amended by inserting at the end thereof a new subsection as follows:

"(f) On or after the date of enactment of this provision, no television broadcast licensee, network television broadcast organization, or cable television system shall perform or otherwise carry out a contract, arrangement, or other understanding, express or implied, under which such station, network, or system is prevented from broadcasting or carrying the home games of a professional football, baseball, basketball, or hockey team when tickets for admission to such game are no longer available for purchase by the general public seventy-two hours or more before the scheduled beginning time of such game."

Sec. 2. The amendment made by this Act shall terminate after one year following its date of enactment.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### FULL OPPORTUNITY AND NATIONAL GOALS AND PRIORITIES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The bill was stated by title, as follows:

A bill (S. 5) to promote the public welfare.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR YEAS AND NAYS ON ADOPTION OF HUD AND PARK VALUE CONFERENCE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the adoption of the HUD conference report at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the